

# Annual Report of the Director



Administrative Office of the U.S. Courts  
Leonidas Ralph Mecham, Director



## **Annual Report of the Director**

**Activities of the Administrative Office  
of the U.S. Courts**

**Leonidas Ralph Mecham**

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# Director's Message

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Leonidas Ralph Mecham

*"The Administrative Office is firmly committed to doing all it can to maintain and improve upon the federal courts' tradition of excellence."*

**A**mong the pointed messages of September 11, 2001, is the importance of preparing for the unexpected. In 2002, the Administrative Office put this at the top of our agenda. New funds, people, and processes have been put in place to safeguard courthouses and the people who work in them. We continue to tell Congress that the Third Branch of government occupies a key role in the war against terrorism. The Judiciary pays for court-appointed counsel for indigent defendants. High-profile proceedings are convened in federal courthouses, requiring enhanced security and other special needs. Judges, clerks, probation and pretrial services officers, and other court staff must be housed, protected, and equipped with the necessary resources to do their jobs.

In 2002, Congress responded to our request with nearly \$82 million in supplemental funds to improve security in courthouses, establish a court security inspector position for every court, hire temporary court security officers, purchase new X-ray machines, enhance mail handling facilities, and upgrade court perimeter security. In the coming year we will continue to evaluate and fine-tune court security needs, and we will strive to strengthen the Judiciary's relationship with the U.S. Marshals Service.

The Administrative Office's Judiciary Emergency Preparedness Office met with nearly 2,000 court representatives throughout the year to discuss emergency preparedness and the importance of court continuity of operations plans. An expert contractor has helped courts develop their own plans to ensure essential functions and activities will continue without interruption under any circumstances. I cannot state strongly enough how important these plans are to the viability of the federal Judiciary in the face of a future crisis, whether natural or manmade. The Administrative Office will continue to work closely with courts in this area.

I fully recognize the courts cannot accomplish their work without a sufficient number of judges and staff. On behalf of the Judicial Conference, this year I wrote to congressional leaders urging them to introduce and pass omnibus judgeship legislation for the first time in more than 12 years. Throughout our nation there are appellate and district courts that would be in dire need of relief even if all existing vacancies were filled. I called upon and continue to call upon Congress to provide long-term relief in the form of new judgeships.

Congress' response was to create 15 district court judgeships in the Department of Justice authorization act. While we welcome



these positions, no new court of appeals positions have been created in 12 years and many district courts still need help. Despite the record number of bankruptcy filings, no new bankruptcy judgeships have been created in the last decade.

It is even more troubling that the nation will continue to lose experienced judges because of the erosion of their salaries. This is unacceptable. In 2002, I believe we took a significant step toward a meaningful solution. The National Commission on the Public Service, which convened this year to study the state of the federal government, was successfully urged by Judiciary leaders and the Administrative Office to expand its scope to include the judicial branch. I wrote to the Commission to speak out on the need for salary relief for judges and court employees. The body, better known as the Volcker Commission, invited Chief Justice Rehnquist, Justice Breyer, and Chief Judge Deanell Tacha to testify in public hearings on the inadequacy of judicial pay. The Commission, when it released its final recommendations in January 2003, supported real pay increases for federal judges and Congress, as well as a long-term solution so that we are not faced with the same inequities a few years later. The Administrative Office will be actively involved in working for implementation of these recommendations, as well as securing annual cost-of-living adjustments for judges.

We also will seek to expand the Judiciary's already-popular flexible benefits program, which the Administrative Office initiated three years ago. In 2002, we expanded the long-term care program to include additional options for judges and employees. We also doubled the amount that can be set aside in the health care reimbursement account to \$10,000, and established a web site that allows participants to access their accounts

at any time. Despite the efforts of many, the Senate did not pass legislation the House had approved that would give the Administrative Office Director authority to use appropriated funds to pay for all or part of these new benefits. We will ask the 108<sup>th</sup> Congress to pass legislation to allow for a "cafeteria-style" plan that will permit judges and court employees to custom build their benefits packages.

While pay and benefits contribute significantly to morale, so does work environment. More than \$5 billion has been appropriated by Congress for courthouse construction since I was appointed Director in 1985. This means that judges and thousands of court employees throughout the country no longer have to work in old, crowded, obsolete, and unsafe facilities. In fiscal year 2002, the Judiciary took occupancy of eight major projects. But, as budgets get tighter, we must redouble our efforts to educate Congress, the Office of Management and Budget, and the General Services so that the projects in the Five-Year Courthouse Project Plan become reality.

Administrative Office staff have developed plans so that inside each federal courthouse, judges, court staff, and court users will benefit from the latest technology. By September 2002, 102 courts had begun implementing the Case Management/Electronic Case Files system. More than 20,000 attorneys have filed documents electronically and more than three million cases involving more than 15 million documents are in the electronic files system. Several of this year's megabankruptcies were filed electronically, enhancing both public access and case management. In 2002, the total number of Public Access to Court Electronic Records (PACER) accounts topped 200,000.

Many systems have been improved through the creativity and

energy of Administrative Office-court partnerships. Busy probation and pretrial services officers, who today supervise well over 100,000 persons, have started using the case tracking and case management system, which this year went live in 17 districts. The new electronic Jury Management System will streamline pool and panel creation, as well as juror selection and payment.

A decade ago I began the process of decentralizing major management and budget functions from the Administrative Office to the courts. Working closely with several Judicial Conference committees, the Administrative Office is helping court executives better understand and manage their wide-ranging and frequently changing responsibilities. Workshops are being held to discuss management and stewardship responsibilities in some of the courts' most important functional areas—budget, accounting, travel management, procurement, and contracting. The courts' administrative excellence is due, in large part, to these executives, and we will continue to support them with the tools to solve problems.

It is the judges and staff who work in the courts who have helped make the federal court system a model for other courts around the world. We are proud of the role the Administrative Office plays in assisting the courts in their mission. I believe that today there is an experienced and knowledgeable Administrative Office contact to discuss and trouble-shoot virtually every court program and need. I fully recognize that the coming year may yet again bring unexpected challenges for the courts. Building on the experiences and successes of 2002, the Administrative Office is firmly committed to doing all it can to maintain and improve upon the federal courts' tradition of excellence.

# The Year In Review



**I**n 2002, there were significant developments in case management, technology, training, and resource acquisition—to name a few areas. The Administrative Office also developed and implemented emergency plans and security enhancements in fiscal year 2002. The goal is to make certain that core court functions can and will continue under virtually any circumstances.

Support for the Judicial Conference and its committees continued to be a major focus of

Administrative Office activities. Communications with Congress were frequent and focused, and support for key court programs was strengthened and broadened. As courts tackled increased workloads, the Administrative Office took significant steps to assist judges and court employees in providing superior service to the public while making the best use of taxpayer dollars.

This report discusses a wide range of Administrative Office activities in 2002.

## *Security Priorities Funded*

Following 9-11, Congress responded favorably to the Judiciary's immediate security funding needs, creating 106 new supervisory-level deputy marshal/court security inspector positions. These inspectors, who will focus exclusively on court security, will assist district marshals and chief deputy marshals in improving the effective and efficient provision of security for the courts. They also will serve as the locus of communication on court security for the district court or court of appeals. Creation of these positions fulfills one of the proposals from the comprehensive court security study commissioned by the Administrative Office and completed in 2001.

Emergency funds also are being used to

- Hire an additional 358 temporary court security officers and pay for overtime nationwide.
- Purchase emergency communications equipment.
- Acquire new X-ray machines for court entrances, loading docks, and mail rooms.
- Enhance mail-handling facilities and procedures.
- Accelerate the court security officer radio upgrade program.
- Enhance court perimeter security.



# Post 9/11: Preparing for the Unexpected

## Emergency Preparedness

The Administrative Office formally organized the Judiciary Emergency Preparedness Office in fiscal year 2002 to give guidance and other assistance to courts for emergency preparedness, crisis response, and continuity of operations plans. Such plans focus on the safety of judiciary employees and the public, and ensure that essential functions and activities are not interrupted unnecessarily and that normal functions resume as quickly and safely as possible. During the past year, nearly 2,000 members of the Judiciary have received briefings on the emergency preparedness program.

In May 2002, the Administrative Office awarded a contract to develop a template for a continuity of operations plan (COOP) for courts to use as they develop individual plans. The contractor focused on plans for courts in New York City, since they had direct experience dealing with the effects of the September 11, 2001, terrorist attacks. From these plans, the contractor developed draft templates, which court staff reviewed. Representatives from circuit executives' offices and other court offices met in Washington, D.C. to exchange information on a first draft of a COOP template and to talk about what courts need to consider in creating their own local plan. The final template was distributed to the courts in November 2002. It should help each court identify vulnerabilities in the event of a crisis, do the advance planning necessary to maintain normal operations, and conduct the extensive coordination required among organizations. Courts can access templates and checklists about emergency preparedness on the J-Net.

## Safe Mail Handling

Following the tragic incidents of anthrax-contaminated mail in fall

2001, the Administrative Office contracted to study several existing courthouse mail facilities and handling practices and to help develop procedures and infrastructure for safe mail handling in federal courthouses. In July 2002, the Judicial Conference, by mail ballot, endorsed the recommendations of the contractor regarding safe mail handling procedures and the construction of centralized mail rooms in courthouses, using \$12 million from an emergency security supplemental appropriation. Administrative Office staff developed guidelines and prototype mail rooms based on the size of the courthouse and the potential volume of mail.

Additionally, in response to anthrax contamination concerns, the Administrative Office began sending nearly all correspondence to the courts by e-mail or facsimile transmission.

## Offsite Center

The conference report accompanying the first Fiscal Year 2002 Emergency Supplemental Appropriations Act directed the Judiciary to consider establishing a court operations support center located outside Washington, D.C. An independent contractor studied this issue and recommended the establishment of a small, offsite center that would provide a more secure location for housing computer and telecommunications systems and personnel necessary to support essential court functions.

One of the many ways the Administrative Office supports the Judicial Conference and its committees is through effective communications with Congress. Agency staff convey policies adopted by the Conference to Congress and draft statements for judges testifying on behalf of the Conference; identify and monitor legislation that could affect the organization and operation of the federal courts, particularly bills pertaining to judgeships, judicial pay, caseload, jurisdiction, appropriations, and courthouse facilities; and respond to inquiries regarding legislative proposals and constituent concerns.

#### Legislation in the 2<sup>nd</sup> Session, 107<sup>th</sup> Congress

During its second session, the 107<sup>th</sup> Congress considered several bills of interest to the Judiciary. Judicial Conference committee chairs testified at hearings in support of legislative proposals of the Conference and in response to oversight hearings by the House Judiciary Committee.

#### Department of Justice Reauthorization

President Bush signed into law the 21<sup>st</sup> Century Department of Justice Appropriations Authorization Act as P.L. 107-273 on November 2, 2002. This law provided for new federal district judgeships and incorporated several recommendations of the Judicial Conference, including amendments to the juvenile delinquency provisions to provide authority to impose a term of juvenile delinquency supervision to follow a term of official detention, and provide authority to sanction a violation of probation when a person adjudicated a juvenile delinquent is over 21 at the time of the violation.

In addition, the Multiparty, Multiforum Trial Jurisdiction Act

was included in P.L. 107-273. It provides for federal court jurisdiction (and consolidation) over any civil action involving minimal diversity of citizenship between adverse parties and arising from a single accident at a discrete location, in which at least 75 people have died. The new law also extended the U.S. Parole Commission for three years and established Federal Reentry Center Demonstration Projects under which plans will be developed to reduce recidivism by offenders released from federal prison.

#### Federal Courts Improvement Bill

On October 1, 2002, the House of Representatives passed the Federal Courts Improvement Act. The bill includes 22 provisions that address administrative, financial, personnel, and benefits needs of the Judiciary.

Among the provisions of the bill is an authorization for the Judiciary to provide its employees with a supplemental benefits package that is competitive with those already provided throughout the private sector and by state governments. Another provision would create a new federal crime punishing any person who files a false lien against the property of a federal judge. The Senate took no action on the House bill during either session of the 107<sup>th</sup> Congress.

#### Bankruptcy Reform Legislation

By the end of the 107<sup>th</sup> Congress, House and Senate conferees had reached agreement on a report on bankruptcy reform legislation. However, the House declined to vote on the conference bill, objecting to provisions unrelated to the Judiciary. In the final hours of the second session, the House took up and passed a separate bankruptcy reform bill, without the controversial provisions. The new bill was sent to the Senate, where it never



came to a vote. The legislation would have created 28 new temporary judgeships, the first new bankruptcy judgeships since 1992. The need for bankruptcy reform has been debated by Congress, but there has been no controversy over the need for new bankruptcy judgeships.

#### **Bipartisan Patient Protection Act**

Patients' rights bills were passed by the Senate and the House but were not enacted into law. Both bills would have created new federal causes of action for damage claims over injuries resulting from the denial by a health plan of a medical benefit.

#### **E-Government Act of 2002**

This legislation, which was signed into law on December 17, 2002 as P.L. 107-347, establishes a broad framework of measures that require Internet-based technology to enhance public access to government information and services and, in particular, requires federal courts to establish web sites by April 2005. The court web sites would contain information or links to information on courthouse location, local rules, access to docket information, written opinions, and other information.

#### **Innocence Protection Act of 2002**

This legislation sought to enhance the availability of post-conviction DNA testing in federal and state criminal justice systems and to ensure competent counsel in state capital proceedings. The Judicial Conference supports the intent of this bill and many of its provisions. Although similar bills were introduced in both Houses, none was passed.

#### **Class Action Fairness Act of 2002**

This legislation, which passed the House during the second session, would have provided for original federal jurisdiction over class actions involving minimal diversity between adverse parties where the amount in controversy exceeds \$2 million in aggregated damages. The Judicial Conference has opposed similar provisions in previous bills.

#### **Multidistrict Trial Legislation**

This bill, which was passed by the House, would have responded to the Supreme Court's decision in *Lexecon v. Milberg Weiss* to permit a district judge with a case transferred by the Judicial Panel on Multidistrict Litigation to retain the

case for trial. The Judicial Conference supports this legislation.

#### **Ninth Circuit Split**

The companion bills pending in the House and Senate would have divided the Ninth Circuit into a new Ninth Circuit (with Arizona, California, and Nevada) and a new Twelfth Circuit (with Alaska, Guam, Hawaii, Idaho, Montana, Northern Mariana Islands, Oregon, and Washington). Although a House subcommittee held a hearing on the issue, no further action was taken.

#### **Flexible Benefit Program**

Judge Dennis Jacobs (2<sup>nd</sup> Cir.), chair of the Judicial Conference Committee on Judicial Resources, testified before the House Government Reform Committee Subcommittee on Civil Service, Census and Agency Organizations on the Judiciary's successful flexible benefits program. As a result of Judge Jacobs' testimony, the subcommittee indicated support for expanding the Judiciary program as a model for cafeteria plans for the federal government generally. Judge Jacobs explained the Administrative Office Director's need for specific authority

*The House Judiciary Subcommittee on Courts, the Internet and Intellectual Property held a hearing on H.R. 1203, a bill that would divide the Ninth Circuit Court of Appeals into two circuits. Testifying at the hearing were (left to right) Judge Sidney R. Thomas (9th Cir.), Judge Diarmuid F. O'Scannlain (9th Cir.), Alan G. Lance, Attorney General of the State of Idaho, and Chief Judge Mary M. Schroeder (9th Cir.).*



to expand on the Judiciary's current program and the subcommittee offered its support and assistance in obtaining this authority.

The Judiciary's flexible benefit program got a welcomed assist from Representative Dan Burton, chairman of the House Committee of Government Reform, and Representative Dave Weldon, Chairman of the Government Reform Subcommittee on Civil Service, Census, and Agency Organization when they wrote to Representative Frank Wolf, chairman of the House Appropriations Subcommittee on Commerce, Justice, State and the Judiciary. In their letter, they strongly supported authorizing the Judicial Conference to provide a cafeteria-style benefit plan and report to Congress on the results of this initiative. The letter read, in part, "The judicial branch's success is promising as we look to expand benefit flexibility to a diverse and ever-changing federal workforce. The Judiciary model is an excellent start, and we believe that we can expand their success by allowing the Judiciary to add more benefits to the flexible benefit plan in a cost-sharing arrangement with employees."

#### **Federal Courthouse Construction**

As a result of the efforts of Judge Jane R. Roth (3<sup>rd</sup> Cir.), chair of the Judicial Conference Committee on Security and Facilities; other judges; Administrative Office Director Leonidas Ralph Mecham; and Administrative Office staff, congressional committees with jurisdiction over the construction of public buildings approved resolutions to fully authorize 20 of the 22 courthouse construction projects recommended for consideration in fiscal year 2003 as part of the Judicial Conference prioritized five-year plan. The Senate Treasury, Postal Service and General Government

## **2002 Completed Courthouse Projects**

In 2002, the Judiciary took occupancy of the following eight projects:

Providence, RI  
London, KY  
Albany, NY  
Albany, GA  
Hammond, IN  
Helena, MT  
Cleveland, OH  
Youngstown, OH

Major Repair & Alteration  
New Building  
Major Repair & Alteration  
New Building  
New Building  
New Building  
New Building

appropriations bill, which funds courthouses through the General Services Administration budget, included funding of \$315 million for 11 of those projects. The House approved funding of \$309 million for those same 11 projects. Congress authorized eight courthouse repair and alteration projects with a total cost of \$78 million. However, Congress did not complete action on the appropriations bills before the end of the 107<sup>th</sup> Congress, so work will continue to achieve funding for these projects when the 108<sup>th</sup> Congress convenes.

#### **Space Inventory System Completed**

JFACTS, an automated information system completed this year, will allow Judiciary staff nationwide to access current information on space inventory, space occupancy rates, General Services Administration charges for rent by location, and construction project milestones. Consolidating this information in one database is expected to streamline space management duties.

The availability of this information to court staff will help them identify inventory errors and other areas where potential cost savings may be realized.

#### **Courtroom Technology**

The Administrative Office continued to enhance the courtroom technology program during 2002 to ensure that all courthouse systems are installed and operative when a new or renovated facility is ready for occupancy. The infrastructure for technology is being installed in each courtroom, and portable evidence presentation and video-conferencing equipment is being purchased for every three courtrooms. Approximately 100 prospectus and centrally funded non-prospectus courtroom technology systems were installed in new courtrooms during 2002.



# Fundamental Judiciary

## Fiscal Year 2002 Budget and Supplemental Emergency Funding

The Judiciary operated under a series of continuing resolutions until November 28, 2001, when an appropriation finally was enacted. Funding, provided within the Commerce, Justice, State and Judiciary Appropriation, totaled \$4.6 billion, \$357 million or 8.4 percent above the fiscal year 2001 level.

This allowed funding for 398 new work units in the courts to help meet a significant increase in workload. The 2002 budget also provided a 3.4 percent pay increase for judges and a 4.1 percent increase for court staff. The courts' Salaries and Expenses account received a 7.1 percent increase, from \$3.36 billion to \$3.60 billion. The Court Security account received \$220.7 million, a 10.8 percent appropriation increase over fiscal year 2001. This account also received \$77.2 million in emergency security funding for more court security officers and equipment to respond to the attacks of September 11.

The Fees of Jurors account received \$48.1 million. This was slightly below estimated requirements, and funds were reprogrammed from available fee balances to meet total requirements and ensure no delay in jury trials.

Defender Services received \$500.7 million, a 15.4 percent increase over fiscal year 2001. In enacting the appropriation, Congress supported implementation of a rate adjustment for panel attorneys to \$90 per hour for in-court and out-of-court work. It is hoped that this significant increase, following many years in which statutorily-authorized adjustments had not been implemented, will improve the quality of Constitutionally mandated appointed counsel services in criminal cases for those who cannot afford to hire an attorney.

The Administrative Office received an appropriation of \$61.7 million, which allowed it to continue current operations and support of the courts. The Administrative Office accomplishes its mission with less than 2 percent—actually 1.6 percent—of the Judiciary's appropriations, and its share continues to decline. In 1985, the Administrative Office's share of the Judiciary's budget was close to 3 percent.

## Fiscal Year 2003 Budget

The Judiciary's budget request for fiscal year 2003 totaled \$5.29 billion, an increase of \$507 million over fiscal year 2002. Nearly 74 percent, or \$374.7 million of the \$507 million total increase, was associated with pay increases, inflation or other adjustments to base, necessary to provide for the same services as were provided in fiscal year 2002. The remaining 26.1 percent (\$132.6 million) of the increase was requested to address programmatic and workload related needs. The bulk of these increases, (\$105.5 million), were to provide for additional support staff and associated costs. The remaining program increases (\$27.1 million) provided for additional magistrate judges needed to handle the courts' growing criminal and bankruptcy workload, associated staff in districts with growing caseloads, and security related requirements.

On July 18, 2002, the Senate Appropriations Committee favorably reported the fiscal year 2003 Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Bill. The bill provided the Judiciary with appropriations of \$4.965 billion, a \$313.7 million or 6.7 percent increase over the fiscal year 2002 enacted appropriation adjusted for non-recurring costs. While this increase was significant in that the Judiciary received a larger

Chief Judge John G. Heyburn II (W. D. Ky.), left, and Administrative Office Director Leonidas Ralph Mecham appeared before the House Appropriations Subcommittee on Commerce, Justice, and State, the Judiciary and Related Agencies to discuss the Judiciary's Fiscal Year 2003 budget request. Earlier in the week, Judge M. Blane Michael (4<sup>th</sup> Cir.) testified with Judge Heyburn before the Senate Appropriations Subcommittee.



increase than most agencies in the bill, the amount was still almost \$270 million below the Judiciary's full requirements for FY 2003, including a \$174 million shortfall in the Salaries and Expenses account and \$54 million in the Defender Services account.

On October 1, 2002, the new fiscal year began for the Judiciary without an appropriations bill and Congress passed the first of many continuing resolutions to keep the government operating. On October 3, 2002, Chief Justice William H. Rehnquist wrote to the President and congressional leaders expressing his concerns regarding the fiscal year 2003 funding of the federal judiciary. As Presiding Officer of the Judicial Conference of the United States, he requested that Congress take action prior to the upcoming elections to pass a full-year fiscal year 2003 funding bill for the Judiciary. He sought to extricate the Judiciary's budget for fiscal year 2003 from the middle of the policy differences between the other two branches, similar to what was done

in 1996. "I have reluctantly come to the conclusion that this is necessary," the Chief Justice wrote, "because the uncertain budget situation we face could have a significant, adverse impact on our judicial system." He noted that the Judiciary immediately required additional funds above fiscal year 2002 enacted appropriations simply to maintain pace with the existing workload—a workload caused by the war on terrorism, continued increases in criminal caseload, skyrocketing bankruptcy filings, and the steady growth in the number of released felons requiring supervision by probation offices. The 107<sup>th</sup> Congress, however, adjourned without passing a fiscal year 2003 appropriations bill for most of the federal government, including the Judiciary. The Judiciary began fiscal year 2003 operating under a continuing resolution, which limited funding to the fiscal year 2002 levels. New appropriation legislation was introduced when the 108<sup>th</sup> Congress convened in January 2003.



# BROOKINGS



39.2%

25.1%

16.1%

## Judges and Judgeships

### Judicial Nominations and Confirmations

During the second session of the 107<sup>th</sup> Congress, 52 nominees for Article III judgeships were confirmed—eight court of appeals judges and 44 district court judges. At the close of the 107<sup>th</sup> Congress, there were 77 judicial vacancies—27 in the U.S. courts of appeals, 49 in the U.S. district courts, and one in the Court of International Trade. Judicial vacancies continue to be a serious concern.

### Judges' Pay

In fiscal year 2002, federal judges, along with members of Congress and Executive Schedule employees, received a 3.4 percent Employment Cost Index (ECI) adjustment, effective January 1, 2002. The Judicial Conference Committee on the Judicial Branch, three judges' associations, members of Congress, Director Mechem, and Administrative Office staff worked diligently to secure this needed salary adjustment.

As of 2002, judges had received cost-of-living increases in four of the past five years, but these increases still have not made up for previously denied pay adjustments. The overall compensation of federal judges continues to lag behind recent significant growth in salaries and benefits received by comparable legal positions in the public and private sector.

Judges were still waiting for final resolution of their 2003 ECI adjustment when the 107<sup>th</sup> Congress adjourned, despite appeals by judges to their representatives and the efforts of bar associations, judicial organizations, Director Mechem, and Administrative Office staff. The President decided to allow a 3.1 percent increase for General Schedule employees to go into effect in 2003 (exclusive of locality-based increases, which he subsequently denied). This decision meant that

senior executive branch officials and members of Congress would receive a 3.1 percent total increase effective January 2003.

Legislation authorizing the judges' 2003 ECI adjustment was passed early in the 108<sup>th</sup> Congress. The ECI adjustment will be effective as of January 1, 2003.

### Volcker Commission Warns About Inadequate Pay for Judges

The second National Commission on the Public Service, also known as the Volcker Commission, was convened in 2002 to look at the need for comprehensive reform in the federal public service. Two public hearings were held by the Commission in July, at which Chief Justice William H. Rehnquist, Associate Justice Stephen Breyer, and Chief Judge Deanell Tacha (10<sup>th</sup> Cir.), chair of the Conference Committee on the Judicial Branch, testified on the inadequacy of judicial pay. Writing in his capacity as Secretary to the Judicial Conference, Director Mechem responded to the Commission's request for comments and described the impact of pay erosion, and pay compression on federal judges and court employees and their need for pay comparability.

Director Mechem and Administrative Office staff also provided research and other information to the Judiciary's witnesses and the Commission.

In January 2003, the Commission made positive recommendations in its report, "Urgent Business for America: Revitalizing the Federal Government for the 21<sup>st</sup> Century," on the need for an increase in judicial salaries. The Administrative Office will work closely with Judiciary leaders and others in seeking implementation of those aspects of the report relating to judicial compensation.

## ***Interim Steps Toward Implementation Include Judicial Pay Increase***

Recognizing that its many recommendations for a broad reorganization of government cannot all be implemented at one time, the Volcker Commission cited several interim steps that can and should be taken promptly. Among these steps was:

"Congress should grant an immediate and significant increase in judicial, executive, and legislative salaries to ensure a reasonable relationship with other professional opportunities. Its first priority in doing so should be an immediate and substantial increase in judicial salaries."

### **New Article III Judgeships**

On November 2, 2002, President Bush signed into law, P.L. 107-273, the 21st Century Department of Justice Appropriations Authorization Act, which, in addition to many other provisions, established new federal district judgeships. Through the leadership of Senator Patrick Leahy (D-VT) and Representative F. James Sensenbrenner (R-WI), chairs of the respective Senate and House Judiciary committees, the new law provides a significant breakthrough in addressing the need for new district court judges. The measure, however, did not contain all the positions endorsed by the Judicial Conference or more judgeships for the U.S. courts of appeals. The last court of appeals judgeships were created in 1990.

No bill incorporating the Judicial Conference recommendations for 54 judgeships was introduced in Congress in 2002. Director Mecham had re-transmitted to Congress the Conference request for the creation of additional judgeships, originally sent February 5, 2001. The proposed legislation would have added six permanent judgeships and four temporary judgeships to the courts of appeals, 23 permanent judgeships and 21 temporary judgeships to the district courts, converted seven existing tempo-

rary judgeships to permanent positions, and extended one existing temporary judgeship. The request also would have conferred Article III status on the judgeships authorized for the Commonwealth of the Northern Mariana Islands and the U.S. Virgin Islands. At the request of the House Judiciary Subcommittee on the Constitution, Judge Dennis Jacobs (2<sup>nd</sup> Cir.), chair of the Judicial Conference Committee

on Judicial Resources, submitted a statement detailing the Judiciary's judgeship needs. In his statement, Judge Jacobs also described the process by which judgeship needs are determined by the Judicial Conference—a process that includes a biennial survey. Staff from the Administrative Office provided assistance to the Judicial Resources Committee's Subcommittee on Judicial Statistics in preparing for and conducting the 2003 Biennial Judgeship survey, which takes into account changes in workload and the availability of resources, and features several levels of review within the Judiciary before recommendations for new judgeships are made to the Judicial Conference.

Other bills, creating judgeships for specific regions or districts of the country, such as H.R. 272, the Southwest Border Judgeship Act of 2001, and an identical Senate bill, S. 147, did not pass Congress in this session.

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### ***P.L. 107-273***

*Creates judgeships in the following districts:*

*Southern District of California: 5 Permanent*

*Western District of North Carolina: 1 Permanent*

*Western District of Texas: 2 Permanent*

*Adds one temporary judgeship to each of the following districts:*

*Northern District of Alabama*

*District of Arizona*

*Central District of California*

*Southern District of Florida*

*District of New Mexico*

*Western District of North Carolina*

*Eastern District of Texas*

*Converts existing temporary judgeships to permanent in:*

*Central and Southern Districts of Illinois*

*Northern District of New York*

*Eastern District of Virginia*

*Extends for five years the temporary district court judgeship for the Northern District of Ohio.*

### **Magistrate Judge Positions**

*In fiscal year 2002, there were 470 full-time, 59 part-time, and three combination clerk/magistrate judge positions. Another seven new full-time magistrate judge positions were authorized for fiscal year 2003. Four of the seven new positions were conversions of part-time positions to full-time status. The increases are due to growing caseloads and expanded use of magistrate judges by the district courts.*

### **Intercircuit Assignments**

In support of the Judicial Conference Committee on Intercircuit Assignments, Administrative Office staff help process assignments for Article III judges to serve outside their home circuits or, in the case of the judges of the Court of International Trade, to serve on other Article III courts. During the first six months of 2002, 108 intercircuit assignments of 75 Article III judges were processed by the Committee and approved by the Chief Justice. Of the 108 assignments, 73 were to serve on the courts of appeals and 35 in district courts. A new automated system was implemented in summer 2002 to facilitate the administrative process for designating Article III judges outside their home circuits.

Agency staff continued to help maintain rosters of active and senior judges who are willing to take intercircuit assignments, and identify and obtain judges to help courts in need. In July 2002, the Committee on Intercircuit Assignments requested that each Article III judge complete an on-line questionnaire regarding willingness to take intercircuit assignments. Staff received more than 300 responses.

### **Inter- and Intra-circuit Assignments and Service by Recalled Bankruptcy Judges**

The Administrative Office monitors assignments of bankruptcy judges working outside their home districts. In fiscal year 2002, bankruptcy judges provided almost 10,000 case-related hours of assistance to help the Judiciary manage a record-breaking caseload.

Intracircuit assignments accounted for 7,316 hours of trial and other case-related work. Intracircuit assignments also help single-judge districts when a conflict of interest arises for the resident judge. Intercircuit assignments, which

require the approval of the chief circuit judges of both the borrowing and the lending circuits, accounted for 2,665 hours. Many of these assignments were fulfilled by retired bankruptcy judges who continue to serve in a recalled capacity. The bankruptcy court system benefited from the assistance of 31 recalled judges in 2002. Administrative Office staff also helped obtain judges to help courts in need.

### **Data on Hearings May Influence Weighted Caseload**

In 2001, the Administrative Office began collecting new data on hearings conducted on violations of conditions of supervised release. The data are derived from docket entries in the courts' case management system, which are submitted through an automated report for inclusion in a national database. Once agency staff have identified and resolved problems related to the reporting of the data, information on supervised release violation hearings taken from the docketing system will become an additional factor in the weighted caseload formulas that the Judiciary uses to evaluate the need for new judge-ships.

### **Programs Familiarize Judges with Management, Retirement and Benefits**

Orientation programs for new chief judges and judicial nominees are a key element of the Administrative Office's outreach efforts. In 2002, staff briefed 65 judicial nominees. In 2002, the one-day orientation was enhanced to include sessions on management and stewardship issues for judges. Staff also presented 11 orientation programs for 13 chief judges. The two-day programs focus on the responsibilities of chief judges and the assistance provided by the Administrative Office.

Retirement and benefits programs for judges were in demand in 2002. The AO hosted two retirement-planning programs for bankruptcy judges and two for magistrate judges in conjunction with Federal Judicial Center educational programs. In addition, retirement and benefits outreach programs were conducted upon request at three district court locations for Article III, bankruptcy, and magistrate judges, and for one circuit judicial conference. Nine retirement and benefits overview programs were presented as part of the Federal Judicial Center's live and video orientation programs for new district, bankruptcy and magistrate judges.

#### Federal Rules of Practice and Procedure

The Judicial Conference Committee on Rules of Practice and Procedure and its five advisory committees propose amendments to the rules that govern all federal court proceedings and affect the entire legal system. In 2002, the rules committees continued to reach out and involve members of the judiciary, bar, academia, and the public in the federal rulemaking process.

Administrative Office staff assisted the rules committees in monitoring congressional activity in the rule-making process. Staff advised the committees of some 20 separate pieces of legislation that were introduced in, or passed by, the Congress during the past year that could affect the rules of practice and procedure. Staff also prepared position papers and correspondence to Congress expressing the views of the judiciary relating to rules-related issues in legislation.

Proposed amendments to the federal rules of practice and procedure have been placed on the Judiciary's Federal Rulemaking Internet web site, where comments

and questions can now be submitted electronically. In addition, pamphlets and brochures summarizing the proposed rules amendments are prepared and distributed to the public. Agency staff worked to make the rules web site easier for users to find, research, and track proposed rules amendments as they proceed through the rulemaking process. They also are updating and expanding the amount of rules-related content on the web site.

#### Rule Amendments Become Effective; Others Proposed

The 107<sup>th</sup> Congress adjourned without taking any action on the amendments to the Federal Rules of Appellate, Bankruptcy, Civil, and Criminal Procedure approved by the Supreme Court on April 29, 2002. The amendments, therefore, became effective December 1, 2002. Particularly noteworthy is the comprehensive "style" revision of the Federal Rules of Criminal Procedure to simplify, clarify, update, and make more uniform the federal procedural rules. (Restyling of the Federal Rules of Appellate Procedure took effect on December 1, 1998.) The Criminal Rules were also amended to authorize a court, with the consent of the defendant, to conduct an initial appearance or arraignment by videoconferencing.

The Judicial Conference approved proposed amendments to the Federal Rules of Appellate, Bankruptcy, and Civil Procedure, and the Federal Rules of Evidence at its September 2002 session. The proposed amendments to the Bankruptcy rules implement Conference policy on protecting the privacy of debtors. Extensive revisions also were approved to Civil Rules 23 (class actions), 51 (jury instructions), and 53 (masters). The proposed amendments have been submitted to the Supreme Court for its approval.

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#### No New Bankruptcy Judgeships

*Bankruptcy reform legislation considered in the 107<sup>th</sup> Congress would have created 28 additional temporary bankruptcy judgeships and extended the terms of four existing temporary bankruptcy judgeships. However, the legislation failed to pass in this Congress. While the caseload of bankruptcy judges has increased 59 percent in the last decade, no new bankruptcy judgeships have been created since 1992.*





*While in Washington, DC, a judicial delegation from the People's Republic of China visited the Administrative Office, the Supreme Court, the Federal Judicial Center, the Court of Federal Claims, and the U.S. Tax Court. The delegation, led by President Judge Xi Xiaoming of China's Supreme People's Court, came to learn about the various specialized courts and about methods of dispute resolution. The visit was organized through the National Committee on US-China Relations.*

#### **International Judicial Relations**

The Judicial Conference Committee on International Judicial Relations and Administrative Office staff continued to receive numerous inquiries and requests for help from the judiciaries of other countries, international organizations, and U.S. government agencies involved in judicial reform and rule of law activities. In 2002, Administrative Office staff held briefings for 72 international delegations, including almost 700 trial and appellate judges, court administrators, and other court staff. They coordinated the Judiciary's involvement in the rule-of-law component of the Open World Program at the Library of Congress, through which 133 Russian judges participated in two-day orientations in Washington, D.C., and were then hosted for a week in one of 29 different courts and communities. With the U.S. Department of Commerce, U.S. Patent and Trademark Office, and Federal Judicial Center, Administrative Office staff conducted a week-long conference on intellectual property and the Judiciary for 35 judges from eight countries. Staff also took part in a conference of North and South

American public defense counsel offices in Santiago, Chile, a workshop on court administration for 25 judges and court administrators in Rostov, Russian Federation, and a conference in Kibuye, Rwanda, that produced recommendations concerning areas critical to judicial reform for consideration by the Rwanda Law Reform and Law Revision Commission and the Rwanda Constitution Reform Committee. Throughout the year, staff worked with U.S. law schools on various judicial observation programs, including identifying federal judges to host Korean judges attending one of 13 law schools as visiting scholars. They briefed judges from such countries as Russia, New Zealand, Thailand, China, Morocco, and Armenia on bankruptcy court operations, and provided written materials for judges in Singapore, Vietnam, and Canada.



# federal Court

**T**he Director of the Administrative Office is statutorily tasked with, among other duties, the support of the federal courts. This support takes many forms, including collecting statistical information, providing accommodations for the courts, developing management and business plans, and procuring information technology resources for court programs.

## Recognition of Court Staff

Each year, the Director solicits nominations for awards to honor employees of the federal courts for outstanding contributions to the Judiciary. The Director's Award for Outstanding Leadership recognizes employees who have contributed on a national level through their leadership skills to improvements in the administration of the federal Judiciary. The Director's Award for Excellence in Court Operations was changed in 2002 to recognize employees for achievements in improving the operations of the federal courts within four categories: court administration, court technology, court support, and mission requirements. Also in 2002, the Director's Award for Extraordinary Actions was added to recognize employees who have responded in an outstanding manner to emergencies and other critical situations.

## Improvements in Management Oversight and Internal Controls

Over the years, Director Mechem has delegated significant financial and management authorities to the courts and federal defender offices, which resulted in considerable local management flexibility over the expenditure of \$2 billion in decentralized funds this year. Now, the Administrative Office has undertaken a comprehensive program for enhancing internal controls and guidance to the courts.

In 2001, a training program was delivered to chief judges on their leadership role in overseeing the business of the courts. A companion training program was launched this year for court unit executives.

Working with a group of court managers, the Administrative Office is developing a model internal controls handbook to assist court leaders in managing their courts. The handbook will describe the minimum procedural checks and balances that should be in place for finance, travel, procurement and contracting, property, human resources, information technology, records, and statistical reporting, as well as offering other suggestions and tips.

Guidelines for performing self-evaluations of internal controls and for maintaining an adequate segregation of duties are additional features of the handbook. Also, some existing policies were revised to clarify current requirements and strengthen internal controls.

## Review and Assessment Programs

Each year, on-site reviews of various kinds are conducted in the courts at the request of court managers. Such reviews may be broad in scope or focused on particular program or management areas. In 2002, on-site reviews were conducted in two appellate courts, four district courts, four bankruptcy courts, five federal public defender organizations, nine pretrial services offices, and 16 probation offices. In addition, the Administrative Office performs or contracts for cyclical audits and other specialized audits. In 2002, 53 cyclical audits and 64 other audits were completed.

In 2002, the Administrative Office completed development of a new review and assessment program designed to provide education, technical assistance, and evaluation services to chief judges and appel-

## 2002 Director's Awards

In 2002, the recipients of the Director's Award for Outstanding Leadership were:

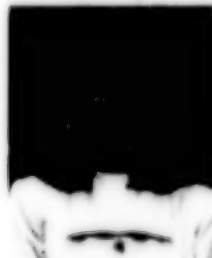
- Sherri R. Carter, Clerk of Court, U.S. District Court, for the Central District of California.
- Patricia L. Brune, Clerk of Court, U.S. Consolidated District /Bankruptcy Court for the Western District of Missouri.

The recipients of the Director's Award for Excellence in Court Operations were:

- David K. Oliveria, Clerk of Court, U.S. Bankruptcy Court for the Middle District of Florida, for improved court administration.
- Toby D. Slawsky, Circuit Executive, and Team, including Mark Soltys, Assistant Circuit Executive for Automation; William Craven, Deputy Assistant Circuit Executive for Automation; William Bradley, Calendaring Manager; and Patricia Coleman-Dodszuweit, Legal Coordinator, U.S. Court of Appeals for the Third Circuit, for excellence in court technology.
- Anthony C. Lacey, Systems Administrator, U.S. Bankruptcy Court for the District of South Carolina, for excellence in court technology.
- Stacy L. Verkayk, Manager of Automation and Technology, U.S. Bankruptcy Court for the District of Arizona, for excellence in court technology.
- Adria Santa Anna and Jennifer Sunshine, Senior U.S. Probation Officers, U.S. District Court for the District of Arizona, for excellence in mission requirements.



(Left to right) Toby D. Slawsky, Circuit Executive, Mark Soltys, Assistant Circuit Executive, William Craven, Deputy Assistant Circuit Executive, William Bradley, Calendaring Manager; and Patricia Coleman-Dodszuweit, Legal Coordinator, U.S. Court of Appeals for the Third Circuit



Sherri R. Carter, Clerk of Court, U.S. District Court for the Central District of California



Patricia L. Brune, Clerk of Court, U.S. Consolidated District / Bankruptcy Court for the Western District of Missouri



David K. Oliveria, Clerk of Court, U.S. Bankruptcy Court for the Middle District of Florida



Anthony C. Lacey, Systems Administrator, U.S. Bankruptcy Court for the District of South Carolina



(Left to right) Jennifer Sunshine and Adria Santa Anna, Senior U.S. Probation Officers, U.S. District Court for the District of Arizona

late court and circuit unit executives. The program includes general management on-site reviews that assess compliance with existing guidelines, standards, and policies; specialized on-site reviews tailored to the needs of a particular court or court unit; custom education and training plans as requested by a chief judge or a court unit executive; evaluation services provided on-site or by telecommunications technology; and technical assistance visits to ensure that automated systems are managed and used properly, and that resources are safeguarded.

### **Court Unit Executive Stewardship Training**

The Administrative Office held two of the six planned workshops of its new training program, *Management in the Judiciary: The Rules, Tools and Tips of Good Stewardship*. The two and one-half day workshops for court unit executives are designed to help managers recognize their leadership role and to promote a greater awareness of the wide scope of their administrative responsibilities. The emphasis is on promoting awareness rather than skill development, and consists of panel discussions by court and agency staff and small group discussions among unit executives.

This training program is a first time effort to integrate training for all the numerous administrative functions into one focused curriculum. To establish a framework around the program, a LEADER theme was established.

### **Long-Range Planning**

The Administrative Office supported two long-range planning meetings of Judicial Conference committee chairs in 2002 and long-range planning activities by individual Judicial Conference committees. The various committees examined trends, events, and policies that will affect their programs and considered possible courses of action to address them.

### **Financial Programs & Training**

The Financial Accounting System for Tomorrow (FAS<sub>4</sub>T) project reached a major milestone in fiscal year 2002. As of September 30, 2002, 60 percent of the Judiciary's 94 districts and four of its 13 circuits were operating the system. Six districts became operational in November 2002, and 20 more are scheduled for implementation in fiscal year 2003. Full implementation in all districts is scheduled for fiscal year 2004.

FAS<sub>4</sub>T is the only financial accounting system that meets federal accounting standards and supports the appointment of certifying officers under the 2000 Federal Courts Improvement Act. The appointment of more certifying officers provides districts with the ability to strengthen their management controls over financial activities and increase efficiency by eliminating duplicate voucher and payment reviews, unnecessary photocopying of documents, and other kinds of paperwork.

The Judiciary made significant progress in developing an accounting and cash receipting system, known as Civil/Criminal Accounting Module (CCAM), under the leadership of a project team consisting of Administrative Office and court employees. During the year, the team developed, reviewed, and refined the functional specifications for the software system.

The functional specifications were translated into a detailed design that became the basis for developing the system, which ultimately will be integrated with FAS<sub>4</sub>T. Full implementation in all districts is scheduled for fiscal year 2005.

The Administrative Office also expanded its efforts to provide financial management training to chief judges, unit executives and court budget staff with the distribution of two new training videos, and a computer-based training program. Three face-to-face training sessions were provided for 120 budget analysts, financial managers, and court executives.

### **Electronic Access: Electronic Filing of Court Documents**

The federal courts recognize that the public should share in the benefits of information technology, including more efficient access to court case files. The courts are equally aware that certain types of cases, categories of information, and specific documents may require special protection from unlimited public access to protect the interests of litigants.

### **Program Improves Electronic Public Access**

Pursuant to Congressional directive, the Judiciary's Electronic Public Access (EPA) Program facilitates and improves electronic public access to court information at a reasonable cost, in accordance with legislative and Judiciary policies, security requirements, and user

## **LEADER**

- |                             |                                 |
|-----------------------------|---------------------------------|
| <b>Legal Responsibility</b> | - compliance                    |
| <b>Ethics</b>               | - integrity, judiciary's role   |
| <b>Accountability</b>       | - public trust, checks/balances |
| <b>Decentralization</b>     | - cornerstone principle         |
| <b>Education</b>            | - education and training        |
| <b>Resource Management</b>  | - strategic planning            |



demands. Administrative Office staff manage the development and maintenance of electronic public access systems in the federal judiciary and, through the Public Access to Court Electronic Records (PACER) program, provide centralized billing, registration, and technical support services for the judiciary and the public. Advancements have been made in the quantity and quality of court information available to the public electronically over the past decade. The PACER system provides docket information from almost all federal courts and electronic documents from over 100 courts.

In the past year, bankruptcy statistical data was added to the PACER Service Center's web site in Excel format for downloading. Staff also managed Phase 1 of the PACER Archives project which will develop a means for the long-term storage of electronic records and provide public access to these

records through PACER. Additionally, the Judicial Conference approved a cap on per-document charges: the fee for electronic public access to any document now does not exceed \$2.10, the fee for 30 pages at the seven cents per page rate, which was instituted in 1998.

The EPA program has grown accordingly since its inception more than 10 years ago. In FY 2002, the total number of PACER accounts topped 200,000. During the year, the PACER Service Center responded to more than 80,000 support calls and 25,000 e-mails from PACER users.

The EPA program, which is funded entirely through user fees, generated \$17 million for the judiciary in fiscal year 2002, a significant portion of which was used to fund improvements to electronic public access in the federal judiciary, such as the Case Management/Electronic Case Files (CM/ECF) system.



*Public Access to Court Electronic Records (PACER) is an electronic public access service that allows users to obtain case and docket information from federal appellate, district and bankruptcy courts, and from the U.S. Party/Case Index. Links to the courts are provided from the PACER web site, at [pacer.psc.uscourts.gov](http://pacer.psc.uscourts.gov)/or from this map at [pacer.psc.uscourts.gov/map.html](http://pacer.psc.uscourts.gov/map.html).*



*By the end of 2002, case management/electronic case files (CM/ECF) systems were in use in 11 district courts, 40 bankruptcy courts, and the Court of International Trade. CM/ECF not only replaces the courts' aging electronic docketing and case management systems, but also provides the option to have case file documents in electronic format and to accept filings over the Internet. More than three million cases with more than 15 million documents are on CM/ECF systems. Under current plans, the number of CM/ECF courts will increase steadily each month through 2005. Each court goes through an implementation process that takes about 10 months.*

#### **"Wave" Approach A Success for CM/ECF**

EPA program revenue was used to fund almost all of the development and implementation costs of the Case Management/Electronic Case Files (CM/ECF) system, which permits courts to receive electronic documents and maintain electronic case files, and which is producing dramatic improvements in electronic public access. The deployment of CM/ECF and the increased presence of the Internet have been the major drivers of recent changes in the EPA program.

CM/ECF implementation in the Judiciary began with the bankruptcy courts in fiscal year 2001. Working with the courts, the Administrative Office applied an innovative "wave" approach to support implementation of the system in multiple courts, greatly accelerating court adoption of the system. By the end of fiscal year 2002, 102 district and bankruptcy courts had begun implementing CM/ECF. More than 20,000 attorneys had filed docu-

ments electronically, and more than three million cases involving more than 15 million documents are in CM/ECF systems, saving valuable court resources and providing dramatically improved public access to court records. CM/ECF systems currently are receiving more than one million docket entries per month. That number is expected to increase rapidly as more courts finish implementing the system.

#### **Policy on Privacy and Public Access Implemented**

The Administrative Office continues to support the work of the Court Administration and Case Management Committee in implementing the Judicial Conference policy on privacy and public access to electronic case files adopted at the September 2001 session of the Judicial Conference. The Administrative Office worked with the Committee to develop a model notice of the electronic availability of civil documents, a suggested local rule implementing the redaction provi-

sion of civil case files policy, and a question and answer document about the operation of the policy in civil cases. These documents were sent to courts to use in implementing the privacy policy in civil cases.

The Conference policy does not allow remote public electronic access for criminal case files at this time. However, as directed by the Conference, the Administrative Office and the Federal Judicial Center are working on an 11-court pilot study of remote public access to electronic criminal case file documents. Also, the Administrative Office developed a "high profile" exception to the privacy policy prohibition on remote public access to electronic criminal case files, which allows such access in limited situations. The criminal case file study and the "high profile" exception were approved by the Judicial Conference at its March 2002 session.

For bankruptcy case files, Administrative Office staff helped draft amendments to statutes, rules, and forms necessary to implement the Conference policy. The suggested rule changes were approved by the Judicial Conference at its September 2002 session. (See page 13 "Federal Rules of Practice and Procedure.")

#### Electronic & Written Communications Evaluated

In response to a request from the Judicial Conference Committee on the Administrative Office, the Administrative Office this year evaluated its processes and vehicles for formal written communications (both paper and electronic) with the courts to identify possible improvements. As part of this evaluation, Administrative Office staff sought input from nearly all court advisory groups and found that judges and court unit executives generally are highly satisfied with communications from the Administrative Office.

An independent assessment that evaluated the design and usability of the J-Net, the Judiciary's Intranet site, and the Judiciary's Internet site also was completed this year. As a result of that review, the J-Net and the on-line *Guide to Judiciary Policies and Procedures* are being redesigned to make them easier to use, and recommendations for improving the public web site are being implemented.

#### Exposure Drafts Gather Comments

In a further attempt to promote two-way communication between the Administrative Office and the courts, an experiment was initiated to obtain input from court managers nationwide by posting drafts of policy and program documents, called exposure drafts, on the J-Net for a fixed comment period. The goal is to help the Administrative Office clarify confusing language and address practical concerns, including implementation strategies, before new program guidance is issued.

#### Lotus Notes Implementation Completed

National implementation of Lotus Domino/Notes, the Judiciary's new e-mail system, was completed in May 2002, and the Lotus Domino application development architecture also was made available.

#### Encryption

**Lotus Notes allows encryption, a process in which a document or part of a document is scrambled until it is opened by the person to whom it was sent. Encryption protects mail messages, documents, and data sent within the Judiciary.**

Installed on approximately 33,000 desktops in over 300 court locations, this architecture helps Judiciary users build applications that make sharing information easier.

#### E-Mail Expands

The anthrax contamination of some U.S. mail in October 2001, prompted the Administrative Office to begin sending nearly all correspondence to the courts by e-mail or fax. Judges and court unit executives have indicated that they appreciate being kept informed and that they also are becoming more accustomed to and comfortable with electronic forms of communications, including e-mail broadcasts and the J-Net—although they prefer hard copies of newsletters and large publications. The Administrative Office received a number of specific suggestions to make it easier to sort through electronic correspondence, locate information on the J-Net, and access up-to-date policy guidance. The feedback received resulted in the implementation of several improvements, including a new e-mail broadcast front page that describes the information in the attached document, shows what groups received the message, and indicates if action is required and the due date.

#### Access to Benefit Information Now Electronic

For the past year, the Administrative Office has led the way in electronic access to benefits information and enrollment for Judiciary benefit programs.

During the summer of 2002, the Federal Judiciary Group Long-Term Care insurance program held its third, and final, guaranteed-issue open enrollment for eligible judges and employees. For the first time, all information, including rates, frequently asked questions, plan information, and enrollment forms were available on the J-Net. The response was overwhelming, with

over 3,200 judges, employees, and family members using this final opportunity to upgrade their coverage or to take out coverage for the first time. That brought the total number of individuals covered by this program to nearly 6,000, an extraordinarily high rate of participation for an employer-sponsored program of this kind.

Beginning in August, participants in the Federal Judiciary Flexible Benefit Program and the Commuter Benefit Program could access account information through [www.shps.net](http://www.shps.net). A randomly generated Personal Identification Number (PIN) was issued to each eligible participant to ensure the security of this information.

Participants now have the option of providing an e-mail address via the SHPS web site so that they can receive electronic notification of claims processing and enrollment confirmations. Judiciary-specific information also is available on the SHPS web site. Participants can access claim forms, Summary Plan Descriptions, and enrollment information from any PC with access to the Internet.

The 2003 Flexible Benefit Program Annual Enrollment Period was completely electronic. Plan information and interactive tools and calculators are available on both the SHPS web site and Benefits Online on the J-Net. Participants could accomplish the entire enrollment process, including requesting an e-mail confirmation of enrollment.

▶ *The Administrative Office's Distance Learning Program has introduced a variety of computer-based and on-line learning opportunities, including self-paced training via CD-ROM and on-line conferencing.*

## HRMIS Phase I

**Phase II of the Personnel Systems Modernization Project-Human Resources Management Information System (PSMP-HRMIS)—covering the monthly pay population (retired Supreme Court justices, judges, annuitants, and survivors)—was successfully implemented in October. The first monthly HRMIS pay checks were issued in November 2002. Phase I of the project, covering employees from the Administrative Office, the Federal Judicial Center, and the U.S. Sentencing Commission was implemented in August 2000.**

Judges and court employees increasingly have been turning to Benefits Online on J-Net for current information on Judiciary benefits. During the final Open Enrollment for the Judiciary Long-Term Care Insurance Program, Benefits Online was among the five most visited sites on J-Net.

### Judiciary Employees Learn On-Site, Over Network

The Administrative Office continued to create new distance learning programming and traditional instructor-led programs for Judiciary employees in 2002.

Courses offered were directly linked to the timely implementation of Judiciary policies and programs,

such as orientation for chief judges and judicial nominees; financial and facilities management; statistical reporting; legal research for librarians; office automation and information technology; administrative and operational training for judges' secretaries and assistants; benefits, compensation and recruitment; and safety training for probation and pretrial services officers, firearms instruction, and electronic monitoring; and procurement procedures.

Distance learning training programs, broadcast over the Federal Judicial Television Network, allowed the Administrative Office to expand its program offerings; eliminated the need to coordinate schedules and travel for some





on-site training; provided more opportunities for judges and Judiciary staff to obtain training and education; and provided a more consistent quality of training. The Administrative Office provides programs to 325 viewing sites around the country, making the Judiciary broadcasting network one of the largest in the federal government.

The Administrative Office Distance Learning Program makes use of a variety of computer-based and on-line learning opportunities, including self-paced training via CD-ROM and the Internet, facilitated on-line conferencing via the Internet, and knowledge management. The program also provides performance support/on-line assistance enabling courts to more effectively use software for business processes.

### *Newly Published for the Courts in 2002*

**Compendium of Chief Judge Authorities:** A comprehensive reference to the sources of chief judge authority.

**The Risk of Personal Liability for Federal Judges, (2nd Ed.):** Discusses the personal liability risk faced by federal judges.

**Civil Litigation Management Manual:** Describes the most effective litigation management and cost and delay reduction principles.

**The Selection & Appointment of United States Magistrate Judges, (Rev. Ed.):** Helps district courts and merit selection panels in the selection and appointment process.

**High Profile Cases in the Appellate Court: How to Cope with the Media, and High Profile Cases in District Courts:** How to work with the media, assists judges and court staff who face the media.

### **Statistical Data Gathering Improved**

In 2002, the Administrative Office refined and planned augmentations to its statistical data-gathering capabilities. Statistical data from the courts now are being collected through Statistics Electronic Forms (SEF). The nine forms, available

low court and Administrative Office users to run their own *ad hoc* queries, analyses, and reports, and will provide these users with a series of standardized reports not currently available. When STATS is initiated, the first program areas it will address will be appeals and the civil caseload of the district courts.

### **First Two Phases of Data Review Completed**

*Recommendation 73 of the Long Range Plan for the Federal Courts calls for a comprehensive review of the statistical data and information needs of the Judiciary. The first two phases of the review, which addressed appeals and bankruptcy, have now been completed. The third phase, which involves district court activity, is currently underway. The Administrative Office's Statistics Division and the District Clerks Advisory Group are evaluating recommendations by committees of the Judicial Conference, program units of the Administrative Office, and representatives of the Federal Judicial Center, and the United States Sentencing Commission. Thereafter, the Administrative Office will work with the Office of Information Technology to revise the Case Management/Electronic Case Files system as needed to collect the required district court data.*

on-line resemble the paper forms being replaced, so court users do not need extensive training to switch to the new automated system. Edits within each field on the forms prevent courts from entering data incorrectly. Data are uploaded to the mainframe each night and added to the Administrative Office's database. Previously, courts submitted 24,000 paper forms each year by mail or fax, and agency staff had to retype the data so that it could be entered into the databases. Use of the electronic forms has saved \$63,000 a year in postage and fax expenses, plus staff resources.

A system now being designed, the Streamlined Timely Access to Statistics (STATS) system, will provide courts and the Administrative Office with direct, interactive access to statistical data residing in the agency's databases. STATS will al-

### **National Forms Automated**

Approximately 50 national forms were automated for placement on the Judiciary's Internet site, [uscourts.gov](http://uscourts.gov), with another 30 forms under development. Placing the forms on the Internet site makes them available to attorneys and others who do not have access to the on the Judiciary's internal data communications network.

### **Bankruptcy Noticing Center Hits 100 Million Mark**

In 2002, the Bankruptcy Noticing Center (BNC) produced and mailed 100 million bankruptcy notices. That was nearly 20 percent more than the previous year.

Operated under a contract managed by the Administrative Office, the BNC electronically retrieves data from participating courts' case

management systems and automates the printing, addressing, batching, and mailing process. As a result, the center generates notices at a fraction of the time and cost that would be required if produced by local courts. Since 1993, it has saved the judiciary \$25 million and provided better service.

### **Electronic Bankruptcy Noticing**

In fiscal year 2002, use of electronic bankruptcy noticing doubled over the previous year. This approach eliminates the production and mailing of traditional paper notices, speeds public service, and eliminates postage costs.

In fiscal year 2002, 4.3 million notices were sent electronically. By the end of the year, electronic notices were 4.6 percent of the total number of notices sent through the Bankruptcy Noticing Center. Participation in the electronic noticing program by creditors or other recipients is voluntary. Emphasis will be on continuing to expand the program through administrative and rules-based initiatives.

### **New Systems Aid Bankruptcy Administrators**

The Administrative Office provides program direction and oversight to bankruptcy administrators in the six judicial districts in Alabama and North Carolina. Staff met with all six bankruptcy administrators to obtain their input on defining requirements and exploring alternatives for a new automated case management system to aid them in overseeing the administration of bankruptcy estates by private case trustees.

In addition to providing year-round program support, staff met with the bankruptcy administrators to discuss the operation of the program, pending legislation, automation matters including implementation in the courts of the Case Management/Electronic Case Files system, and

other issues. Staff visited three bankruptcy administrator offices, held regular telephone conferences with the bankruptcy administrators, and conducted a briefing for trustees at a national seminar for Chapter 13 trustees.

### **Number Of Languages Requiring Interpretation Increases**

In fiscal year 2002, there was a 3.8 percent decrease in the number of events requiring the use of interpreters in the courts. District courts reported that they used interpreters in 174,405 events, compared to 181,303 events reported in fiscal year 2001. The number of languages requiring interpretation increased from 88 in 2001 to 102 in 2002. Spanish remains the most used language for interpreters in the courts, accounting for 93.6 percent of all reported events (163,344 events), followed by Arabic (1,692 events). Other frequently used languages in fiscal year 2002 were Mandarin (1,266 events), Russian (732 events), Vietnamese (643 events), Korean (636 events), Cantonese (628 events), Haitian Creole (551 events), French (403 events), and Punjabi (309 events).

### **Interpreter Certification**

At the end of fiscal year 2002, there were 821 Spanish, 12 Haitian Creole, and eight Navajo federally certified interpreters. Significant achievements were made in 2002 in the Spanish/English Federal Court Interpreter Certification Examination project. New examinations, for both the written and oral phases, were developed, validated, and administered. In August 2002, 600 candidates took the written test. The next oral examination is scheduled for August 2003.

Several improvements to the examination process were implemented. These included development

of a self assessment and two practice tests to help improve the pass rate. Training for raters was expanded, and greater emphasis was focused on scoring for increased reliability. Several research studies also were done to further investigate the validity and reliability of the examination.

### **National Court Interpreter Database**

The Administrative Office continued to maintain the National Court Interpreter Database, which contains a current master list of all certified and "otherwise qualified" court interpreters in a multitude of languages. The database contains information regarding qualification criteria, language, location, and contact information, and is available to all courts. At the end of fiscal year 2002, the database contained the names of 841 certified interpreters and more than 1,444 otherwise qualified interpreters in 93 languages.

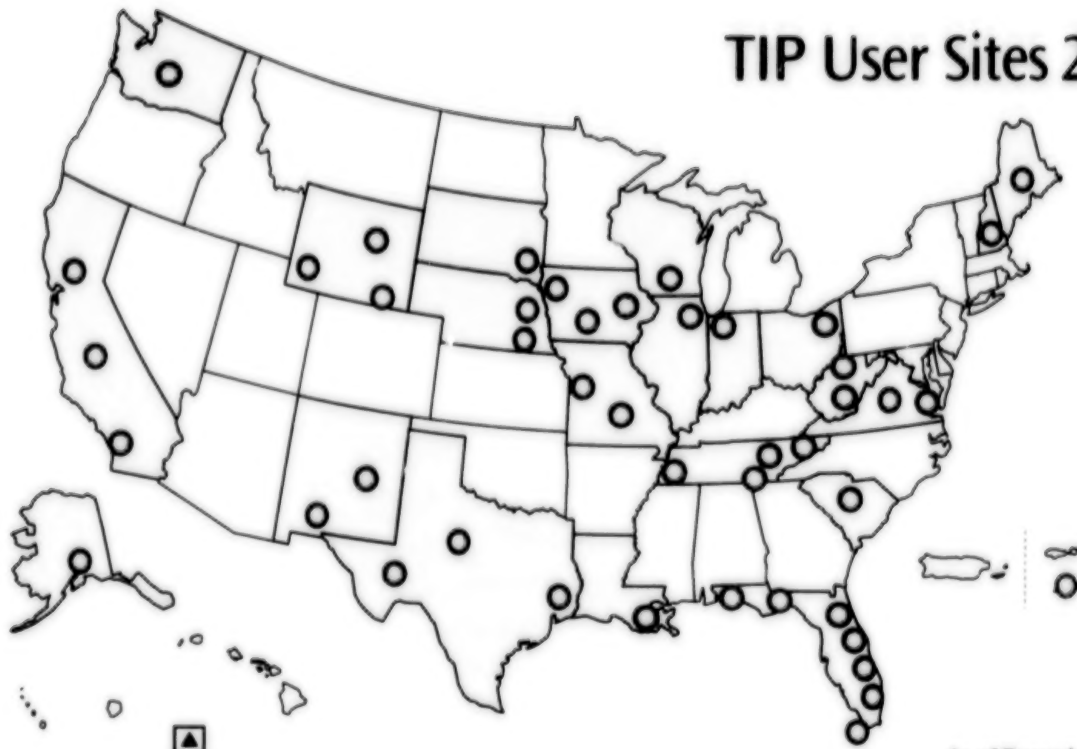
### **Telephone Interpreting**

The Telephone Interpreting Program (TIP) provides remote interpretation where certified or otherwise qualified local court interpreters are not available. Telephone interpreting is used for short proceedings, such as pretrial hearings, initial appearances, arraignments, and probation and pretrial services interviews. It was made available to the courts in April 2002 and was used in nearly 1,600 events this year. The number of user courts increased from 18 in fiscal year 2001 to 24 in fiscal year 2002.

The Central District of California and the District of New Mexico each provided 35 percent of the telephone interpreting services, the remainder of which was provided by the Southern District of Florida, the District of Columbia, and the Eastern District of California.

The total number of telephone interpreted languages increased to

## TIP User Sites 2002



As of December 31, 2002

The number of Telephone Interpreting Program (TIP) user courts increased to 24 in fiscal year 2002. Within these 24 courts, there are 42 TIP user sites.

27 in fiscal year 2002. Spanish was used for 88 percent of the telephone interpreting events. As in the previous year, 77 percent of the telephone interpreting was handled by staff interpreters and 23 percent by contract interpreters. Telephone interpreting is very cost effective, with total estimated savings exceeding \$460,000 in fiscal year 2002.

Committee questions about increased plea bargaining, limits on jury awards, and new powers of judges to screen evidence presented to jurors. The report contained the results from juror surveys provided by district courts indicating that the vast majority of federal court jurors found their jury service to be a positive experience.

### Streamlining of Jury Operations Continues

The Judiciary has completed implementation of the Jury Management System, an electronic program that streamlines jury operations. As of July 2002, 88 districts had received the system. Currently, it is being modified, and enhancements are expected to be completed in the spring of 2003.

At the request of Congress, Administrative Office staff prepared a report regarding the role of juries in federal courts. The report addressed House Appropriations

### Pay Raise for Court Reporters Approved

Administrative Office staff worked with the Court Reporters Advisory Group and the U.S. Court Reporters Association to address compensation of official court reporters. Based on the growing use of real-time court reporting by district judges, the Judicial Conference, at its March 2002 session, approved a salary increase of 10 percent for official court reporters certified in real-time writing. The Conference later approved a 10 percent increase to the schedule of transcript fee

rates subject to the availability of appropriations in the Defender Services account for fiscal year 2003. This is the first time in 16 years that transcript fee rates have been increased by the Judicial Conference.

#### **Revised, On-Line Resources Added**

In response to a recommendation made in the *Lawbooks and Libraries Study: Final Report - September 2001*, a revised formula to distribute funding for lawbook procurement was developed by a working group of four judges (appellate, district, bankruptcy, magistrate) and two circuit librarians working with Administrative

#### **Slip Opinion Printing Contracts**

Administrative Office staff completed a procurement process to award contracts for the printing of appellate slip opinions for all but three circuits. The Fifth, Sixth, and Tenth Circuits did not participate in this national procurement for various reasons.

Each appellate court's requirements vary, and, in the past, required separate solicitations. The recently awarded contracts used a single procurement process, setting out each court's requirements, allowing vendors to bid on one or more of the individual contracts for each of the affected courts. This process reduced the amount of Judiciary staff time required to conduct the

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### **ILS Users Compare Notes**

*The first-ever meeting of court library users of the Integrated Library System (ILS) was hosted by the Administrative Office in 2002. The group, with the assistance of Administrative Office staff, offered a program schedule covering all aspects of the system. Library staff also had the opportunity to pose questions and present innovative ILS practices employed at their respective circuits.*

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Office staff and contractors. To develop the formula, lawbook expenditure data gathered from the ILS, first used for lawbook acquisitions in fiscal year 1999, was analyzed. The new formula was approved by Director Mecham and will be implemented in fiscal year 2003.

Due to the increased proliferation of on-line resources offered by publishers, the need for expanded access to electronic information was identified in the final report. An On-Line Resources Group of librarians was formed to help Administrative Office staff with several tasks, including a review of available on-line resources with an assessment of Judiciary needs, an investigation of purchasing and technical issues, evaluation, and prioritization.

procurement and assisted in more effective price negotiations, resulting in total five-year costs that are more than \$1.1 million less than the vendors originally proposed.

The contracts are for one year, with options to be exercised by the individual courts every year for four additional years.

#### **Web, TV and Outreach Serve Courts and Public**

The Administrative Office continued to meet the rapidly changing public affairs needs of the courts. Most recently, as individual courts developed continuity of operations plans, the Administrative Office's video production team worked closely with staff to record





*The theme of the 2002 Open Doors to Federal Courts program was "Jury Service: A Rite of Passage." As part of the Judiciary's national outreach program, high school students learned the privileges and responsibilities of jury duty while participating in a mock trial. Here, Assistant U.S. Attorney Josh Van de Wetering conducts voir dire of the student jury in the District of Montana.*

their experiences and share them by video with courts around the nation. Administrative Office staff also consult with court staff on issues involving the media, and offer nationwide resources and press contacts.

The Internet site, [www.uscourts.gov](http://www.uscourts.gov), continues to be a major source for information about the courts, and also has become a valued location for posting requests for proposals for contractors and providing the updates on the federal rules of procedure. The site's Newsroom page is updated weekly with the Judiciary's latest developments.

More than 200 judges and nearly 9,000 high school students have participated in the Administrative Office's *Open Doors to Federal Courts* educational outreach program. The 2002 theme, *Jury Service: A Rite of Passage*, exposed students to the federal jury process.

The 2002 *Open Doors to Federal Courts* program made use of *Fed Facts*, a CD-ROM-based program, developed by the Middle District of Florida probation office and the Florida Regional Community Policing Institute, that sends a com-

PELLING message about the legal consequences of drug crime. *Fed Facts* was distributed by the Administrative Office to each probation and pretrial services office to be delivered by officers to middle- and high-school students.

#### **Probation and Pretrial Services Focus on Safety, Supervision**

The Administrative Office in 2002 continued to focus on the supervision of defendants and offenders, officer safety, and personnel security issues.

Through the efforts of a working group of experts from courts across the country, agency staff continued to update and improve two monographs that give details of policy and practice procedures for supervision of pretrial defendants and post-conviction offenders. The monographs were posted to the J-Net for comment. The Judicial Conference Committee on Criminal Law approved the monograph on the supervision of offenders in 2002 and will consider the second monograph on the supervision of pretrial defendants in 2003.

The Officer Safety Working Group continued working on a comprehensive officer safety program. The group produced a course curriculum and accompanying materials that feature classroom and scenario-based training. Officers in each district were designated to serve as officer safety instructors and provide the training in their districts. Two training sessions have been held to prepare instructors to teach the program.

The program launched in 2001 to conduct background reinvestigations for officers and officer assistants was in place in all districts in 2002. Reinvestigation notifications were sent to 750 officers and officer assistants. Reinvestigations completed by the Office of Personnel Management staff were reviewed and sent to the chief judge in each district.

Work on the strategic assessment of the federal probation and pretrial services system continued in 2002. The consultant conducting

the study completed surveys of district and magistrate judges to learn their perceptions about the quality of probation and pretrial services work and of chief probation and pretrial services officers to find out about their practices and office organization. The results of both surveys were provided to the Judicial Conference Committee on Criminal Law and posted on J-Net.

#### **PACTS**

Probation and Pretrial Services Case Management System/Electronic Case Management (PACTS<sup>ECM</sup>), a case tracking and case management tool, makes case information more accessible to officers and their supervisors. During fiscal year 2002, 17 districts went live with PACTS<sup>ECM</sup>. To make the implementation process easier, a mentoring program was set up to enable districts already experienced with the system to guide and help districts new to PACTS<sup>ECM</sup>.



*A training video produced by the Administrative Office, offers safety instruction for probation and pretrial services officers. In a dramatization, an officer demonstrates the proper use of pepper spray on an assailant.*

A focus on developing additional capabilities in PACTS<sup>ICM</sup> led to a new effort—the Community Corrections Technology Project—which was launched to provide an interface between PACTS<sup>ICM</sup> and personal digital assistants. This will let officers access information they have at their desktops while they are working in the field. A pilot program was started in three districts in October 2002 to get comments and help determine the best technical approach.

#### **Defender Services Program Aids Offices**

In FY 2002, the first Federal Public Defender was appointed in the Southern District of Mississippi, bringing the total of federal defender organizations to 72 nationwide, serving 81 judicial districts. Federal public defender offices also have been approved for the Northern District of West Virginia and the District of Rhode Island.

Following congressional funding approval in FY 2002, effective May 1, 2002, Criminal Justice Act (CJA) panel attorneys in all judicial districts earned a new hourly rate of \$90 for in-court and out-of-court work.

To support a CJA program that exceeds \$500 million per year, the Defender Services Program is designing and developing the Defender Services Management Information System (DSMIS) with implementation scheduled to begin in fall 2003. DSMIS will be an evaluation and management tool that will consolidate data from multiple Judiciary information systems essential for analytical and reporting purposes.

The Administrative Office held the first joint federal and state defender Conference on Quality of Representation in February 2002. Participants exchanged information and ideas about the quality, scope,

and accessibility of defense services in their systems.

The conference provided much valuable information for Administrative Office advisory and working groups to consider in developing strategies and measures for the Defender Services program, and as the basis for continuing collaboration with state and local defenders on issues affecting the quality of defense services.

A report from the Administrative Office/Department of Justice Joint Working Group on Electronic Technology in the Criminal Justice System concluded that promoting increased awareness of technology capabilities for the courts and criminal justice community will advance the fair administration of justice. The report contains a series of recommendations regarding electronic information issues.

#### **Information Technology**

During 2002, Administrative Office information technology (IT) initiatives focused on strengthening the Judiciary's national information technology infrastructure, ensuring the reliability of critical systems, and continuing the implementation of national systems and applications designed to enhance the Judiciary's ability to serve the public efficiently and effectively. New programs to ensure the effective management and stewardship of IT resources also were begun.

#### **Courts Supported In High-Profile Trials**

In 2002, Administrative Office staff met with court staff from the Court of Appeals for the Fourth Circuit and the Eastern District of Virginia to discuss the possibilities of using videoconferencing for emergency appeals resulting from terrorist-related cases in the circuit. Staff also arranged for classified briefings from the National Security Agency (NSA) for judges and others to discuss increased risks from terrorist trials. In Massachusetts, staff, working with NSA representatives, conducted an information security analysis at the district and circuit courts, followed by briefings for court staff and judges. OIT staff also worked with NSA representatives to complete an information threat assessment for the District of Utah prior to the Winter Olympic Games.

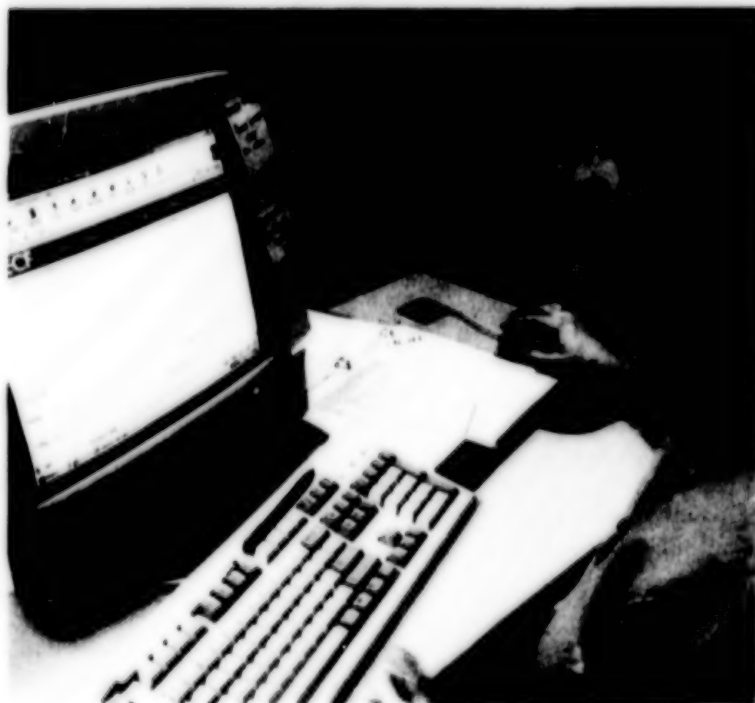
#### **Automation Training**

Approximately 2,000 court employees and technical staff, including nearly 100 judges, received training in 136 classes at facilities in San Antonio, Texas in 2002. A larger number of students than usual were trained due to the implementation of both Case Management/Electronic Case Files (CM/ECF) and Probation and Pretrial Services Case Management System/Electronic Case Management PACTS<sup>ICM</sup> systems in the courts. New electronic training modules al-

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#### **Help Desk Fields Calls**

*Routine information technology support to the courts is provided by staff in San Antonio, Texas. In 2002, staff received more than 40,000 help desk calls from the courts and 1,300 requests for modifications to existing software. Staff distributed 35 application releases and updates to the courts, a 45 percent increase over fiscal year 2001, and made 85 court visits in support of bankruptcy and district CM/ECF implementations.*



*At the Independent Test Center in Phoenix, Arizona, test procedures are developed for Judiciary software applications. Here, a participant tests a software application prior to its release to the courts.*

lowed OIT staff to inform courts of new features of applications as each new version was released without the need for students to return to San Antonio.

New this year was the first-ever, web-based delivery of training to court units. Three classes provided courts with training on tools they use to maintain court web sites.

#### **Appropriate Use Policy Developed**

At its September 2002 meeting, the Judicial Conference approved on a permanent basis a national minimum standard defining appropriate personal use of government office equipment, including information technology, subject to the right of each court unit to impose or maintain more restrictive policies. Individual courts have the responsibility to enforce appropriate use policies. The policy was developed by the Judicial Conference Committee on Information Technology.

The Administrative Office, as part of its regular audit process, has been directed by the Judicial Confer-

ence to examine and comment upon the adequacy of the courts' enforcement methods. Of the courts audited by the Administrative Office in 2002, virtually all had an appropriate use policy in place that meets or exceeds Judicial Conference standards.

#### **National Infrastructure Enhanced**

The heart of the Judiciary's national IT infrastructure is its data communications network (DCN), which provides for wide-area and local area-network connectivity. During 2002, Administrative Office staff took steps to ensure the continued reliability of the DCN through implementation of frame relay technology, relocation of the national Internet gateways, and use of virtual private network (VPN) technology.

### **Lines Converted to Frame Relay Technology**

Agency staff worked with court technical staff to finish converting the Judiciary's wide-area network from point-to-point leased lines to frame-relay technology. Frame relay is a data network service that improves performance, increases reliability, enhances security, improves Internet access, and lowers costs. Early installation of this technology in the Second Circuit made it possible for court executives to activate the connections and reestablish data service throughout the circuit within one day of the September 11, 2001 attacks.

### **National Gateways Secured**

Since early 2000, the Administrative Office has been responsible for three national gateways located at two courts and the Administrative Office that provide Internet connectivity to DCN computers. To ensure their continued reliability and security, the gateways were relocated in summer 2002 to commercial off-site locations with increased physical security, around-the-clock staffing, back-up power, and direct access to the backbone networks of major telecommunications carriers. This relocation prevented disruption to the Fifth Circuit in fall 2002 when a series of tropical storms interrupted communication in much of the region.

### **Virtual Private Networks Installed**

Increased work requirements for judges and Judiciary staff have led to a growing need for a secure connection to the DCN from locations other than chambers or court offices. In response, Administrative Office staff, working with court staff and network consultants, helped the circuits acquire and install virtual private network technology at locations where it would be more cost-effective than a perma-

nent connection. This technology has allowed Judiciary users to access the DCN and the Internet faster and more securely.

### **DCN Security Assessed**

Agency staff are assessing security measures and architecture for the DCN. This study is to ensure that every precaution has been taken to protect Judiciary information resources and to maintain privacy for judicial work and court communications. The study will be completed in 2003.

### **Circuit IT Conferences Held**

To help ensure effective management of the Judiciary's IT resources and broaden the knowledge base of IT managers, annual circuit conferences for systems managers and assistant circuit executives for automation were held in 2002. The conferences provided updates on national projects and gave attendees an opportunity to share experiences.

### **IT Staffing Models and Better Practices Studied**

Systems managers in circuit executives' offices; appellate, district, and bankruptcy courts; and probation and pretrial services offices have responsibilities that vary by court type, geographic location, and other factors, such as levels of technical service required. The Judiciary Administrative Services Process Improvement Program uses a method involving extensive court participation that examines the various information technology functions performed in the Judiciary. Program goals include documenting the work conducted by information technology staff, surveying practices that can be incorporated in the Judiciary's standard operations, and defining various levels of services and their staffing skills and needs.

Agency staff and court working groups are studying the infor-

mation technology functional area using a two-phase approach: the first will encompass the district courts, bankruptcy courts, and probation/pretrial services offices; the second will focus on the circuit executives' offices and appellate courts.

### **Enterprise-Wide Architecture**

Administrative Office staff have begun defining a Judiciary-wide information technology architecture to serve as a practical and flexible framework of design principles, guidelines, and standards within which information technology solutions can be crafted to meet both the national and local business needs of the courts. A specific effort will update the Information Systems Architecture Guidelines issued in July 1997. The updated guidelines, which will benefit from broad court review, will be the technical reference for the new enterprise information technology architecture.

### **Selection of a Replacement Server Platform Underway**

The vendor supplying the operating system for the server platform the Judiciary uses for national software applications is discontinuing its support. Although this was unexpected, the existing inventory of servers will continue to have support from vendors for expected lifetimes, and options for replacement of this platform had been under consideration for some time. Administrative Office staff are evaluating various options available so that a new server platform standard can be selected as soon as possible.





# In Profile:

## The Administrative Office of the U.S. Courts

**S**tatutory Authority  
28 U.S.C. §§ 601-612.  
Congress established the Administrative Office of the U.S. Courts in 1939 to provide administrative support to federal courts.

### Supervision

The Director of the Administrative Office carries out statutory responsibilities and other duties under the supervision and direction of the principal policy-making body of the Judiciary, the Judicial Conference of the United States, and its Executive Committee. In addition, the Conference's Committee on the Administrative Office oversees generally the agency's operations.

### Responsibilities

All responsibility for the Administrative Office of the U.S. Courts is vested in the Director, who is the chief Administrative Officer for the federal courts. Under his direction, the agency carries out the following functions:

- Implements the policies of the Judicial Conference of the United States and supports its network of 24 com-

mittees (including advisory and special committees) by providing staff to plan meetings, develop agendas, prepare reports, and provide substantive analytical support to the development of issues, projects, and recommendations.

- Supports about 2,000 judicial officers, including active and senior appellate and district court judges, bankruptcy judges, and magistrate judges.
- Advises court administrators regarding procedural and administrative matters.
- Provides program leadership and support for circuit executives, clerks of court, staff attorneys, probation and pretrial services officers, federal defenders, circuit librarians, conference attorneys/circuit mediators, bankruptcy administrators, and other court employees.
- Provides centralized core administrative functions such as payroll, personnel, and accounting services.
- Administers the Judiciary's unique personnel systems and

monitors its fair employment practices program.

- Develops and executes the budget and provides guidance to courts for local budget execution.
- Defines resource requirements through forecasts of caseloads, work-measurement analyses, assessment of program changes, and reviews of individual court requirements.
- Provides legislative counsel and services to the Judiciary; acts as liaison with the legislative and executive branches.
- Prepares manuals and a variety of other publications.
- Collects and analyzes detailed statistics on the workload of the courts.
- Monitors and reviews the performance of programs and use of resources.
- Conducts education and training programs.
- Audits the courts' financial operations.
- Handles public affairs for the Judiciary, responding to numerous inquiries from Congress, the media, and the public.
- Develops new ways for handling court business, and provides assistance to court employees to help them implement programs and improve operations.
- Develops and supports automated systems and technologies used throughout the courts.
- Coordinates with the General Services Administration the construction and management of the Judiciary's space and facilities.
- Monitors the U.S. Marshals Service's implementation of the Judicial Facilities Security Program, including court security officers, and executes security policy for the Judiciary.



# Organization



#### **Director**

##### ***Leonidas Ralph Mecham***

Serves as the chief executive of the Administrative Office, Secretary to the Judicial Conference, and ex officio member of the Executive Committee of the Judicial Conference and a member of the Board of Directors of the Federal Judicial Center.

#### **Associate Director, Management and Operations**

##### ***Clarence A. Lee, Jr.***

Chief advisor to the Director on management, strategic, and tactical planning and operational matters; ensures that activities of all agency elements are functioning in support of the Director's goals; oversees audit and review activities.

#### **Associate Director and General Counsel**

##### ***William R. Burchill, Jr.***

Provides legal counsel and services to the Director and staff of the Administrative Office and to the Judicial Conference; responds to legal inquiries from judges and other court officials regarding court operations; represents agency in bid protests and other administrative litigation.

#### **Judicial Conference Executive Secretariat**

##### ***Karen K. Siegel, Assistant Director***

Coordinates the agency's performance of the staff functions required by the Judicial Conference and its committees; maintains the official files of the Judicial Conference; and responds to judges and other court personnel regarding Conference activities.

#### **Legislative Affairs**

##### ***Michael W. Blommer, Assistant Director***

Provides legislative counsel and services to the Judiciary; maintains liaison with the legislative branch; manages the coordination of

matters affecting the Judiciary with the states, legal entities, and other organizations; develops and produces judicial impact statements.

#### **Public Affairs**

##### ***David A. Sellers, Assistant Director***

Carries out public information, community outreach, and communications programs for the federal Judiciary; manages publications efforts for the Administrative Office.

#### **Court Administration and Defender Services**

##### ***Noel J. Augustyn, Assistant Director***

Provides support to the courts for federal defenders, clerks of court, circuit executives, court librarians, staff attorneys, conference attorneys, court reporters, and interpreters, including the development of budgets, allocation of resources, and management of national programs.

#### **Facilities and Security**

##### ***Ross Eisenman, Assistant Director***

Manages services provided to the courts in the areas of court security and space and facilities, and serves as the primary contact on real property administration matters with the General Services Administration.

#### **Finance and Budget**

##### ***George H. Schafer, Assistant Director***

Manages the budget, accounting, and financial systems of the Judiciary; prepares financial analyses on Judiciary programs; manages relocation and travel services for the courts; and serves as the Judiciary's point of contact for Congress on budget matters.

#### **Human Resources and Statistics**

##### ***Alton C. Ressler, Assistant Director***

Manages services provided to the courts in the areas of statistics, personnel, payroll, health and

retirement benefits, workforce development, and dispute resolution.

#### **Information Technology**

##### ***Melvin J. Bryson, Assistant Director***

Administers the information resources management program of the Judiciary; oversees the development, delivery/deployment, security, and management of all national IT systems.

#### **Internal Services**

##### ***Laura C. Minor, Assistant Director***

Manages the Judiciary's procurement function; provides administrative support and services to the Administrative Office in areas such as budget, facilities, personnel, information technology and information management; and administers the Administrative Office's Equal Employment Opportunity programs.

#### **Judges Programs**

##### ***Peter G. McCabe, Assistant Director***

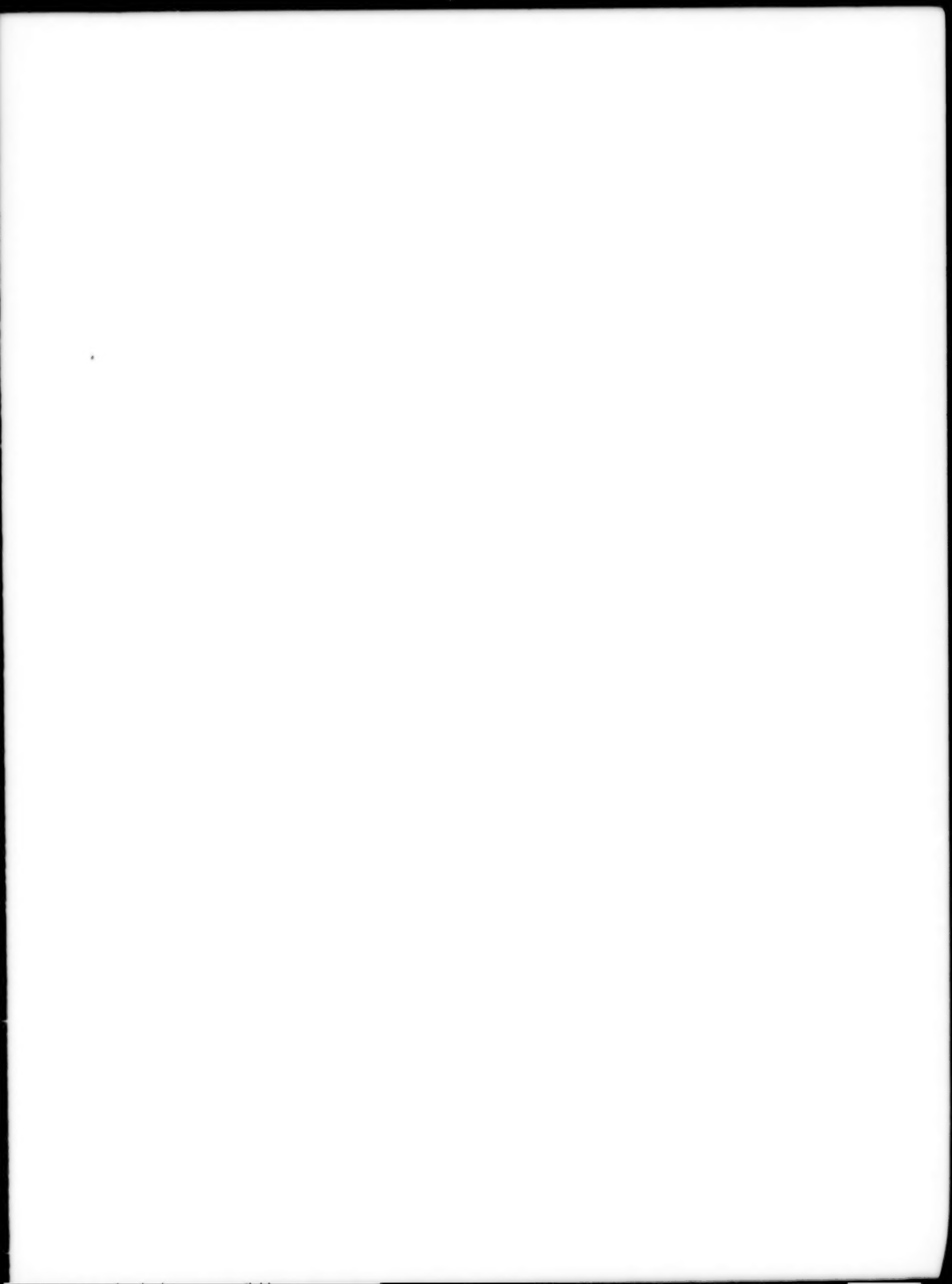
Provides support and services for judges in program management and policy development, and assists judges and their chambers staff in obtaining support and services from other components of the Administrative Office.

#### **Probation and Pretrial Services**

##### ***John M. Hughes, Assistant Director***

Determines the resource and program requirements of the probation and pretrial services system, and provides policy guidance, program evaluation services, management and technical assistance, and training to probation and pretrial services officers.





**END**

**10-02-03**